

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA

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Date of order: 26.9.2019

Present : Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Dr. Nandita Chatterjee, Administrative Member

1. O.A. 350/01278/2019 Sosan Pratima Kujur
2. O.A. 350/01279/2019 Madhumita Saha
3. O.A. 350/01296/2019 Shashi Kali Khalkho
4. O.A. 350/01297/2019 Lisy Varughese
5. O.A. 350/01298/2019 Seteng Minz
6. O.A. 350/01304/2019 Abha Sangeeta Barla
7. O.A. 350/01305/2019 Sarojini Kerketta
8. O.A. 350/01306/2019 Sandhya Saren
9. O.A. 350/01312/2019 Ranjana Bandyopadhyay
10. O.A. 350/1323/2019 Premlata Hansda
11. O.A. 350/01324/2019 Nilima Mukherjee
12. O.A. 350/01338/2019 Leena Chakraborty
13. O.A. 350/01339/2019 Sampa Mitra
14. O.A. 350/01340/2019 Genevieve Lucy Ali

... Applicants

VERSUS -

1. Union of India
Service through the General Manager,
Eastern Railway,
17, N.S. Road,
Kolkata - 700 001.
2. The Chairman,
Railway Board,
Ministry of Railways,
Government of India,
New Delhi - 110 001.
3. The Principal Chief Personnel Officer,
Eastern Railway,
17, N.S. Road,
Kolkata - 700 001.
4. The Financial Adviser & Chief Accounts Officer,
Eastern Railway,

2 o.a. 1278.2019, o.a. 1279.2019, o.a. 1296.2019, o.a. 1297.2019, o.a. 1298.2019, o.a. 1304.2019, o.a. 1305.2019, o.a. 1306.2019, o.a. 1312.2019, o.a. 1323.2019, o.a. 1324.2019, o.a. 1338.2019, o.a. 1339.2019, o.a. 1340.2019

17, N.S. Road,
Kolkata – 700 001.

5. The Chief Medical Director,

Eastern Railway,
17, N.S. Road,
Kolkata – 700 001.

6. The Divisional Railway Manager,

Sealdah Division,
Eastern Railway,
Sealdah,
Kolkata – 700 014.

7. The Senior Divisional Personnel Officer,

Sealdah Division,
Eastern Railway,
Sealdah,
Kolkata – 700 014.

8. The Medical Director

B.R. Singh Hospital,
Sealdah,
Eastern Railway,
Kolkata – 700 014.

Respondents

For the Applicants : Ms. A. Sarkar, Counsel

For the Respondents : Mr. B.P. Manna, Counsel

O R D E R (Oral)

Per Ms. Bidisha Banerjee, Judicial Member:

This O.A. has been preferred under Section 19 of the Administrative Tribunals Act, 1985 praying for the following relief:-

“i. To direct the respondents to revise the pay of the applicant in terms of Railway Board's notification dated 4.9.2008 vide RBE No. 103 of 2008 of 6th Central Pay Commission and to fix the minimum entry pay of Nursing Sister + Grade Pay i.e. Rs. 18,750/- w.e.f. 1.1.2006 (according to Pay Band – II) along with the bunching benefit as laid down in illustration 4A of Railway Board Notification No. 101/2008;

ii. To direct the respondents to refix the pay of the applicant after fixing the pay of the applicant in terms of prayer (i) above in terms of the recommendations of the 7th Central Pay Commission and its acceptance by the Govt. in principle w.e.f. 1.1.2016;

iii. To direct the respondents to pay the arrears of pay and allowances out of the above fixation and/or refixation along with the statutory interest therefor in terms of prayers (i) & (ii) above;

iv. To direct the respondents to deal with and/or dispose of the representation of the applicant dated 26.6.2019 as contained in Annexure "A-3" herein;

v. To direct the respondents to produce the entire records of the case before this Hon'ble Tribunal for effective adjudication of the issues involved herein;

vi. And to pass such further or other order or orders as to this Hon'ble Tribunal may seem fit and proper."

2. At hearing, Ld. Counsel for the applicant made an innocuous prayer for consideration of representation. Heard Ld. Counsel for both sides.

3. Mr. B.P. Manna, Ld. Counsel for the respondents would vociferously oppose consideration of representation, according to him cause of action pertains to the year 2008. However, since the applicants seek benefit of proper revised pay we are of the considered opinion that cause of action is a recurring one and hence we proceed to dispose of this matter.

4. As the applicants have not indicated in what manner they are aggrieved and have simply claimed that they ought to be paid Rs. 18,750/- instead of present pay of Rs. 17,640/-, we permit the applicants of the present O.A. to file a comprehensive representation to the appropriate authority, i.e. Principal Chief Personnel Officer, respondent No. 2, within 4 weeks from the date of receipt of a copy of this order.

5. In the event such representation is preferred, the representation shall be considered by the said respondent or any other competent authority in accordance with law and disposed of with a reasoned and speaking order to be issued within a period of three months from the date of receipt of such representation. If nothing stands in the way,

4 o.a. 1278.2019, o.a. 1279.2019, o.a. 1296.2019, o.a. 1297.2019, o.a. 1298.2019, o.a. 1304.2019, o.a. 1305.2019, o.a. 1306.2019, o.a. 1312.2019, o.a. 1323.2019, o.a. 1324.2019, o.a. 1338.2019, o.a. 1339.2019, o.a. 1340.2019

appropriate orders for grant of suitable benefits shall be issued within the said period.

6. It is made clear that we have not entered into the merits of the matter and, therefore, all points are kept open for consideration by the appropriate authority.

7. The O.A. is disposed of accordingly. No costs.

(Dr. Nandita Chatterjee)
Administrative Member

(Bidisha Banerjee)
Judicial Member

SP